

Performance Rating Dispute Process Summary

DHHS Directive Number 33A contains the Performance Rating Dispute Process. The purpose of this directive is to establish Department policy and procedures for reviewing and resolving employee disputes concerning job performance ratings in accordance with the requirements and guidelines established by the State Personnel Commission.

Who may file a complaint?

An employee whose employment is subject to the provisions of NCGS Chapter 126-7 and who has satisfactorily completed a prescribed initial probationary period in a permanent position in the Department or who entered Department employment with permanent status.

For what issues can a complaint be filed?

A performance rating of less than outstanding for a completed work plan cycle is grievable under the Performance Rating Dispute Process. Employees shall be informed in writing of the availability of the Department's performance rating dispute process, and the time limit for filing a complaint thereunder, when he/she is given written notice of an overall performance rating of less than outstanding for a completed work plan cycle. An employee may file a written complaint under this process if he/she disputes the fairness of his/her overall rating for a completed work plan cycle.

How do you file a Performance Rating Dispute claim?

An employee complaint shall be presented in writing to the unit human resource manager, using DHHS Performance Rating Dispute Process Complaint Filing Form PRD-1, within 15 calendar days from the receipt of the written notice of the availability of the dispute process in a performance rating decision. A complaint received by the unit human resource manager beyond the fifteen day filing deadline shall be considered late-filed, and will not be processed.

The unit human resource manager shall forward timely-filed valid complaints to the unit supervisor/director for action. The unit supervisor/director shall issue a decision in writing to the employee within fifteen (15) calendar days of the date the complaint was received by the unit human resource manager. The unit supervisor/director's decision shall include notice of the employee's right to further review, and shall be issued in a form that provides certification of the date it is received by the employee.

What if you are dissatisfied with the unit supervisor/director's decision?

An employee who is not satisfied with the unit supervisor/director's decision may go to Step 2, Review by a Department Performance Review Board. The complaint shall be presented in writing to the unit human resource manager using DHHS Performance Rating Dispute Complaint Filing Form PRD-1. The complaint must be received, by the unit human resource manager, within fifteen (15) calendar days from the date the employee received the unit supervisor/director's Step 1 decision. A complaint received beyond the fifteen (15) day limit shall be considered late-filed, and will not be processed further.

The unit human resource manager shall inform unit management of the receipt of a timely-filed valid Step 2 complaint. Within ten (10) calendar days of its receipt, the human resource manager shall forward the complaint to the Director of the Division of Human Resources, together with unit management's response, using the DHHS Performance Rating Dispute Management Response Form PRD-2. The unit human resource manager shall give the employee a copy of management's response.

The Performance Review Board, after completing the review process as outlined in the Performance Rating Dispute Process, and after giving careful consideration to all information obtained, will, by majority vote, decide the board's recommendation to the Secretary of Health and Human Services. The board shall either recommend 1) that the overall performance rating not be changed, or 2) what the rating should be increased to and why.

The Secretary of Health and Human Services shall have the authority to accept or modify the board's recommendation, or to adopt a different decision. If the Secretary decides not to accept the board's recommendation, the reason/s should be stated in the Secretary's written decision to the employee.

The Secretary's decision is the final agency decision and is not subject to further administrative or judicial review or appeal within or outside the Department.

Where can you get further information on the Performance Rating Dispute Process?

The Department Performance Rating Dispute Process is contained in DHHS Directive Number 33A. You can obtain a copy of Directive 33A from your Personnel Office. Read the Directive very carefully and follow all instructions in the Directive and in any correspondence you receive from your management concerning your complaint. If you do not follow such instructions, your claim may be dismissed. If you need help in understanding the Performance Rating Dispute Process (Directive 33A), please talk with your supervisor, personnel manager, or employee relations specialist.